

CHAPTER 330

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 24-1122

BY REPRESENTATIVE(S) Duran and Pugliese, Bird, Boesenecker, Brown, Daugherty, Froelich, Garcia, Hamrick, Jodeh, Lieder, Lindsay, Lindstedt, Lukens, Lynch, Marshall, Mauro, McLachlan, Weissman, Young, McCluskie, Clifford, English, Joseph, Parenti, Snyder, Soper, Titone, Valdez, Willford;
also SENATOR(S) Roberts and Winter F., Buckner, Coleman, Cutter, Exum, Hansen, Hinrichsen, Kolker, Marchman, Michaelson Jenet, Mullica, Priola, Smallwood, Zenzinger, Fenberg.

AN ACT**CONCERNING CIVIL PROTECTION ORDERS FOR VICTIMS OF DOMESTIC-RELATED CRIMES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 13-14-100.2, **amend** (2), (3), and (4) as follows:

13-14-100.2. Legislative declaration. (2) The general assembly further finds and declares that domestic abuse is not limited to physical threats of violence and harm but also includes DOMESTIC VIOLENCE, mental and emotional abuse, financial control, document control, property control, and other types of control that make a victim more likely to return to an abuser due to fear of retaliation or inability to meet basic needs. Many victims of domestic abuse, PARTICULARLY VICTIMS OF DOMESTIC VIOLENCE, are unable to access the resources necessary to seek lasting safety options. Victims need additional provisions in protection orders so that they can meet their immediate needs of food, shelter, transportation, medical care, and childcare for their appearance at protection order hearings. These needs may exist not only in cases that may end in dissolution of marriage but also in other circumstances, including cases in which reconciliation may occur.

(3) Additionally, the general assembly finds and declares that sexual ~~assault~~ VIOLENCE affects Coloradans of all ages, backgrounds, and circumstances and is one of the most underreported of all crimes. Sexual violence may occur in any type of relationship; however, the majority of sexual ~~assault~~ VIOLENCE is perpetrated by someone whom the victim knows. SEXUAL VIOLENCE CAN OCCUR IN PERSON, ONLINE, OR THROUGH TECHNOLOGY AND MAY BE PHYSICAL, VERBAL, WRITTEN,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PICTORIAL, OR VISUAL. Victims of sexual ~~assault~~ VIOLENCE who do not report the crime, as well as victims who do report but whose case is not prosecuted, still need and deserve protection from future interactions with the perpetrator, as many victims experience long-lasting physical and emotional trauma from unwanted contact with the perpetrator.

(4) Finally, the general assembly finds and declares that stalking is a dangerous, high-risk crime that ~~frequently escalates~~ CAN EXIST IN THE CONTEXT OF DOMESTIC VIOLENCE AND MAY ESCALATE over time, and that sometimes leads ~~tragically~~, to sexual ~~assault~~ VIOLENCE or homicide. Countless youth and adults in Colorado have faced the fear, isolation, and danger of being victims of stalking, and many of these incidents go unreported and are not prosecuted. While stalking behaviors may appear innocuous to outside observers, the victims often endure intense physical and emotional distress that affects all aspects of their lives and are more likely than others to express anxiety, depression, and social dysfunction.

SECTION 2. In Colorado Revised Statutes, 13-14-101, **amend** (2) introductory portion, (2.4)(a) introductory portion, and (2.9); and **add** (1.6) and (2.1) as follows:

13-14-101. Definitions. For purposes of this article 14, unless the context otherwise requires:

(1.6) "COERCION" MEANS COMPELLING A PERSON BY FORCE, THREAT OF FORCE, OR INTIMIDATION TO ENGAGE IN CONDUCT FROM WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ABSTAIN, OR TO ABSTAIN FROM CONDUCT IN WHICH THE PERSON HAS THE RIGHT OR PRIVILEGE TO ENGAGE.

(2) "Domestic abuse" means ~~any~~ AN act, attempted act, or threatened act of violence, stalking, harassment, or coercion that is committed by ~~any~~ A person against another person to whom the actor is currently or was formerly related or with whom the actor is living or has lived in the same domicile. ~~or with whom the actor is involved or has been involved in an intimate relationship. A sexual relationship may be an indicator of an intimate relationship but is never a necessary condition for finding an intimate relationship. For purposes of this subsection (2), "coercion" includes compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has the right or privilege to abstain, or to abstain from conduct in which the person has a right or privilege to engage.~~ "Domestic abuse" may also include ~~any~~ AN act, attempted act, or threatened act of violence against:

(2.1) "DOMESTIC VIOLENCE", COMMONLY KNOWN AS "INTIMATE PARTNER VIOLENCE", MEANS A PATTERN OF VIOLENT BEHAVIOR OR AN ACT, ATTEMPTED ACT, OR THREAT OF VIOLENCE, STALKING, HARASSMENT, OR COERCION THAT IS COMMITTED BY A PERSON AGAINST ANOTHER PERSON WITH WHOM THE ACTOR IS INVOLVED OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP. A SEXUAL RELATIONSHIP MAY BE AN INDICATOR OF AN INTIMATE RELATIONSHIP BUT IS NEVER A NECESSARY CONDITION FOR FINDING AN INTIMATE RELATIONSHIP.

(2.4) (a) "Protection order" means ~~any~~ AN order that prohibits the restrained person from contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, or COMMITTING SEXUAL VIOLENCE THROUGH sexually assaulting

or abusing ~~any~~ A protected person or from entering or remaining on premises, or from coming within a specified distance of a protected person or premises, or from taking, transferring, concealing, harming, disposing of or threatening harm to an animal owned, possessed, leased, kept, or held by a protected person, or any other provision to protect the protected person from ~~imminent danger to life or health~~ THE RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM that is issued by a court of this state or a municipal court and that is issued pursuant to:

(2.9) "Sexual ~~assault or abuse~~ VIOLENCE" means ~~any~~ AN UNWANTED OR NONCONSENSUAL SEXUAL BEHAVIOR, act OR attempted act, or threatened act, ~~of~~ INCLUDING, BUT NOT LIMITED TO, unlawful sexual behavior, as described in section 16-11.7-102 (3), ~~C.R.S.~~, by ~~any~~ A person against another person, regardless of the relationship between the actor and the petitioner.

SECTION 3. In Colorado Revised Statutes, 13-14-103, **amend** (1)(e) and (2)(a) as follows:

13-14-103. Emergency protection orders. (1) (e) When the county, district, and juvenile courts are unavailable from the close of business at the end of the day or week to the resumption of business at the beginning of the day or week and a peace officer asserts reasonable grounds to believe that an adult is in immediate and present danger of domestic abuse, assault, stalking, sexual ~~assault or abuse~~ VIOLENCE, or that a minor child is in immediate and present danger of an unlawful sexual offense, as defined in section 18-3-411 (1), ~~C.R.S.~~, or of domestic abuse, as defined in section 13-14-101 (2), a judge made available pursuant to ~~paragraph (d) of this subsection~~ (1) SUBSECTION (1)(d) OF THIS SECTION may issue a written or verbal ex parte emergency protection order. Any written emergency protection order issued pursuant to this subsection (1) ~~shall~~ MUST be on a standardized form prescribed by the judicial department, and a copy shall be provided to the protected person.

(2) (a) A verbal emergency protection order may be issued pursuant to subsection (1) of this section only if the issuing judge finds that ~~an imminent danger~~ THE RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM EXISTS in close proximity ~~exists to the life or health of one or more persons~~ or that ~~a danger~~ THE RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM EXISTS to the life or health of the minor child in the reasonably foreseeable future.

SECTION 4. In Colorado Revised Statutes, 13-14-104.5, **amend** (1)(a) introductory portion, (1)(a)(IV), (3), (7), (8), (9), and (10) as follows:

13-14-104.5. Procedure for temporary civil protection order. (1) (a) Any municipal court of record, if authorized by the municipal governing body; any county court; and any district, probate, or juvenile court ~~shall have~~ HAS original concurrent jurisdiction to issue a temporary or permanent civil protection order against an adult or against a juvenile who is ten years of age or older for any of the following purposes:

(IV) To prevent sexual ~~assault or abuse~~ VIOLENCE; and

(3) Venue for filing a motion or complaint pursuant to this section is proper in any county where ANY ONE OF the acts OR BEHAVIORS that are the subject of the motion or complaint ~~occur~~ OCCURRED, in any county where one of the parties resides, or in any county where one of the parties is employed. This requirement for venue does not prohibit the change of venue to any other county appropriate under applicable law.

(7) (a) A temporary civil protection order may be issued if the issuing judge or magistrate finds that ~~an imminent danger~~ A RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM exists to the person or persons seeking protection under the civil protection order. In determining whether ~~an imminent danger~~ A RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM exists to ~~the life or health of~~ one or more persons, the court shall consider all relevant evidence concerning the safety and protection of the persons seeking the protection order, ~~The court shall not deny a petitioner the relief requested because of the length of time between an act of abuse or threat of harm and the filing of the petition for a protection order. The court shall not deny a petitioner the relief requested because~~ REGARDLESS OF WHEN AN INCIDENT OCCURRED OR THE EXISTENCE OF a protection order ~~has been~~ issued pursuant to section 18-1-1001 or 18-1-1001.5.

(b) If the judge or magistrate finds that ~~an imminent danger~~ A RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM exists to the employees of a business entity, ~~he or she~~ THE JUDGE OR MAGISTRATE may issue a civil protection order in the name of the business for the protection of the employees. An employer is not ~~be~~ liable for failing to obtain a civil protection order in the name of the business for the protection of the employees and patrons.

(8) (a) Upon the filing of a complaint, duly verified, alleging that the respondent has committed acts that would constitute grounds for a civil protection order, any judge or magistrate, after hearing the evidence and being fully satisfied ~~therein~~ that sufficient cause exists, may issue a temporary civil protection order to prevent the actions complained of and a citation directed to the respondent commanding the respondent to appear before the court at a specific time and date and to show cause, if any, why ~~said~~ THE temporary civil protection order should not be made permanent. In addition, the court may order any other relief that the court deems appropriate. Complaints may be filed by persons seeking protection for themselves or for others as provided in section 26-3.1-102 (1)(b) and (1)(c). ~~C.R.S.~~

(b) THE JUDGE OR MAGISTRATE MAY CONTINUE THE TEMPORARY PROTECTION ORDER FOR A PERIOD OF NOT MORE THAN ONE YEAR AFTER THE DATE WHEN THE PERMANENT PROTECTION ORDER HEARING TAKES PLACE. IF THE TEMPORARY PROTECTION ORDER IS CONTINUED FOR ONE YEAR AND THE PETITIONER SEEKS A PERMANENT PROTECTION ORDER, THE PETITIONER SHALL FILE A MOTION AT LEAST FOURTEEN DAYS BEFORE THE SCHEDULED HEARING NOTIFYING THE COURT AND THE RESPONDENT OF THE PETITIONER'S INTENT TO PURSUE A PERMANENT PROTECTION ORDER ON THE DATE OF THE SCHEDULED HEARING.

(9) UPON THE ISSUANCE OF A TEMPORARY CIVIL PROTECTION ORDER, a copy of the complaint, a copy of the temporary civil protection order, and a copy of the citation must be served upon the respondent and upon the person to be protected,

if the complaint was filed by another person, in accordance with the rules for service of process as provided in rule 304 of the rules of county court civil procedure or rule 4 of the Colorado rules of civil procedure. SERVICE UPON THE RESPONDENT AND UPON THE PERSON TO BE PROTECTED IS PROHIBITED IF THE TEMPORARY PROTECTION ORDER IS DENIED OR IF THE PETITIONER MOVES TO VACATE THE TEMPORARY PROTECTION ORDER PRIOR TO THE COURT RECEIVING CONFIRMATION THAT THE RESPONDENT WAS PERSONALLY SERVED OR HAD ACTUAL KNOWLEDGE OF THE REQUEST FOR A CIVIL PROTECTION ORDER. The citation must inform the respondent that, if the respondent fails to appear in court in accordance with the terms of the citation, a bench warrant may be issued for the arrest of the respondent and the temporary protection order previously entered by the court made permanent without further notice or service upon the respondent. If THE TEMPORARY PROTECTION ORDER IS BASED IN WHOLE OR IN PART ON AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, AND THE ACT OF DOMESTIC VIOLENCE INVOLVED THE THREAT OF USE OF PHYSICAL FORCE, USE OF PHYSICAL FORCE, OR ATTEMPTED USE OF PHYSICAL FORCE, THE CITATION MUST ALSO INFORM THE RESPONDENT THAT THE RESPONDENT MUST COMPLY WITH SECTION 13-14-105.5 BY REFRAINING FROM POSSESSING OR PURCHASING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER AND RELINQUISHING FOR THE DURATION OF THE ORDER ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL.

(10) ~~The return date of the citation~~ HEARING FOR A PERMANENT PROTECTION ORDER must be set not more than fourteen days after the issuance of the temporary civil protection order and citation. If the petitioner is unable to serve the respondent in that period, the court ~~shall~~ MUST extend the temporary protection order previously issued, continue the ~~show of cause~~ PERMANENT PROTECTION ORDER hearing, and issue an alias citation stating the date and time to which the hearing is continued. The petitioner may thereafter request, and the court ~~may~~ MUST grant, additional continuances as needed if the petitioner has still been unable to serve the respondent IF THE PETITIONER IS ABLE TO SHOW THE PETITIONER HAS MADE REASONABLE EFFORTS TO SERVE THE RESPONDENT OR THAT THE RESPONDENT IS EVADING SERVICE.

SECTION 5. In Colorado Revised Statutes, 13-14-105, **add** (1.5), (3), and (4); and **repeal** (1)(e) as follows:

13-14-105. Provisions relating to civil protection orders. (1) A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, has original concurrent jurisdiction with the district court to include any provisions in the order that the municipal or county court deems necessary for the protection of persons, including but not limited to orders:

~~(e) (f) Awarding temporary care and control of any minor children of either party involved for a period of not more than one year.~~

~~(H) If temporary care and control is awarded, the order may include parenting time rights for the other party involved and any conditions of such parenting time, including the supervision of parenting time by a third party who agrees to the terms of the supervised parenting time and any costs associated with supervised parenting~~

time, if necessary. If the restrained party is unable to pay the ordered costs, the court shall not place such responsibility with publicly funded agencies. If the court finds that the safety of any child or the protected party cannot be ensured with any form of parenting time reasonably available, the court may deny parenting time.

~~(III) The court may award interim decision-making responsibility of a child to a person entitled to bring an action for the allocation of parental responsibilities under section 14-10-123, C.R.S., when such award is reasonably related to preventing domestic abuse as defined in section 13-14-101 (2), or preventing the child from witnessing domestic abuse.~~

~~(IV) Temporary care and control or interim decision-making responsibility must be determined in accordance with the standard contained in section 14-10-124, C.R.S.~~

(1.5)(a) A MUNICIPAL COURT OF RECORD THAT IS AUTHORIZED BY ITS MUNICIPAL GOVERNING BODY TO ISSUE CIVIL PROTECTION OR RESTRAINING ORDERS AND ANY COUNTY COURT, IN CONNECTION WITH ISSUING A CIVIL PROTECTION ORDER, HAS ORIGINAL CONCURRENT JURISDICTION WITH THE DISTRICT COURT AND SHALL INCLUDE IN THE ORDER, AT THE REQUEST OF THE PETITIONER OR RESPONDENT, A PROVISION AWARDING TEMPORARY CARE AND CONTROL OF ANY JOINT OR SHARED MINOR CHILDREN OF THE PARTIES INVOLVED FOR A PERIOD OF NOT MORE THAN ONE YEAR AFTER THE DATE ON WHICH THE TEMPORARY CARE AND CONTROL IS AWARDED IN THE TEMPORARY PROTECTION ORDER; EXCEPT THAT, THIS SUBSECTION (1.5)(a) DOES NOT APPLY WHEN THE DISTRICT COURT MAINTAINS EXCLUSIVE ORIGINAL JURISDICTION IN PROCEEDINGS TO DETERMINE THE LEGAL CUSTODY OF A CHILD WHO COMES WITHIN THE JUVENILE COURT'S JURISDICTION PURSUANT TO SECTION 19-1-104.

(b) THE ORDER FOR TEMPORARY CARE AND CONTROL DESCRIBED IN SUBSECTION (1.5)(a) OF THIS SECTION MAY INCLUDE PARENTING TIME RESPONSIBILITIES FOR BOTH PARTIES INVOLVED AND ANY CONDITIONS OF PARENTING TIME, INCLUDING SUPERVISED PARENTING TIME BY A THIRD PARTY WHO AGREES TO THE TERMS OF THE SUPERVISED PARENTING TIME, AND ANY COSTS ASSOCIATED WITH SUPERVISED PARENTING TIME, IF NECESSARY. IF THE RESTRAINED PARTY IS UNABLE TO PAY THE ORDERED COSTS, THE COURT SHALL NOT IMPOSE THE COST ON A PUBLICLY FUNDED AGENCY OR THE PETITIONER. IF THE COURT FINDS THAT THE SAFETY OF ANY CHILD OR THE PROTECTED PARTY CANNOT BE ENSURED WITH ANY FORM OF PARENTING TIME REASONABLY AVAILABLE, THE COURT MAY DENY PARENTING TIME.

(c) THE COURT SHALL AWARD INTERIM DECISION-MAKING RESPONSIBILITY OF A CHILD TO A PERSON ENTITLED TO BRING AN ACTION FOR THE ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO SECTION 14-10-123 WHEN INTERIM DECISION-MAKING RESPONSIBILITY IS REASONABLY RELATED TO PREVENTING DOMESTIC VIOLENCE OR PREVENTING THE CHILD FROM WITNESSING DOMESTIC VIOLENCE.

(d) TEMPORARY CARE AND CONTROL AND INTERIM DECISION-MAKING RESPONSIBILITY MUST BE DETERMINED IN ACCORDANCE WITH THE STANDARD CONTAINED IN SECTION 14-10-124.

(3) IF THERE IS NO PENDING OR EXISTING DOMESTIC RELATIONS OR JUVENILE CASE IN DISTRICT COURT INVOLVING JOINT OR SHARED CHILDREN, THE PETITIONER IS NOT REQUIRED AND MUST NOT BE INSTRUCTED TO FILE A COMPLAINT FOR A PROTECTION ORDER IN DISTRICT COURT WHEN THE PETITIONER IS OTHERWISE ELIGIBLE TO FILE FOR A CIVIL PROTECTION ORDER IN COUNTY COURT.

(4) A TEMPORARY PROTECTION ORDER OR PERMANENT PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14 MUST BE WRITTEN AND COMMUNICATED IN SIMPLE AND PLAIN LANGUAGE.

SECTION 6. In Colorado Revised Statutes, 13-14-105.5, **amend** (1) introductory portion as follows:

13-14-105.5. Civil protection orders - prohibition on possessing or purchasing a firearm. (1) **Order requirements.** If the court subjects a respondent to a TEMPORARY OR PERMANENT civil protection order and the court determines on the record after reviewing the petition for the protection order that the protection order includes an act of domestic violence, as defined in section 18-6-800.3 (1), and the act of domestic violence involved the threat of use, use of, or attempted use of physical force, the court, as part of such order:

SECTION 7. In Colorado Revised Statutes, 13-14-106, **amend** (1)(a) as follows:

13-14-106. Procedure for permanent civil protection orders. (1) (a) On the ~~return~~ date of the ~~citation~~ PERMANENT PROTECTION ORDER HEARING, or on the day to which the hearing has been continued, the judge or magistrate shall examine the record and the evidence. IN ALL CASES EXCEPT THOSE INVOLVING SEXUAL VIOLENCE, if upon ~~such~~ THE examination the judge or magistrate finds by a preponderance of the evidence that the respondent has committed acts constituting grounds for THE issuance of a civil protection order and that unless restrained THE RESPONDENT will continue to commit ~~such~~ THE acts or acts designed to intimidate or retaliate against the protected person, the judge or magistrate shall order the temporary civil protection order to be made permanent or enter a permanent civil protection order with provisions different from the temporary civil protection order. ~~A finding of imminent danger to the protected person is not a necessary prerequisite to the issuance of a permanent civil protection order.~~ IF UPON THE EXAMINATION THE JUDGE OR MAGISTRATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE RESPONDENT HAS ENGAGED IN A BEHAVIOR CONSTITUTING GROUNDS FOR THE ISSUANCE OF A CIVIL PROTECTION ORDER ON THE BASIS OF SEXUAL VIOLENCE AND THAT A RISK OR THREAT OF PHYSICAL HARM OR THE THREAT OF PSYCHOLOGICAL OR EMOTIONAL HARM EXISTS TO THE PETITIONER, THE JUDGE OR MAGISTRATE SHALL ORDER THE TEMPORARY CIVIL PROTECTION ORDER TO BE MADE PERMANENT OR ENTER A PERMANENT CIVIL PROTECTION ORDER WITH PROVISIONS DIFFERENT FROM THE TEMPORARY CIVIL PROTECTION ORDER. The court shall not deny a petitioner the relief requested because a protection order has been issued pursuant to section 18-1-1001 or 18-1-1001.5. THE COURT SHALL ENCOURAGE THE PETITIONER TO NOTIFY THE RESPONDENT IF THE PETITIONER INTENDS NOT TO APPEAR AT THE PERMANENT PROTECTION ORDER HEARING, BUT THE COURT SHALL NEITHER REQUIRE THE PETITIONER TO ATTEND NOR ASSESS ATTORNEY FEES OR COSTS AGAINST THE PETITIONER FOR CHOOSING NOT TO ATTEND THE HEARING, EXCEPT AS PROVIDED IN SECTION 13-17-102 (2), (4), AND (6). The judge or magistrate shall inform the

respondent that a violation of the civil PERMANENT protection order constitutes a criminal offense pursuant to section 18-6-803.5 or constitutes contempt of court and subjects the respondent to such punishment as may be provided by law. If the respondent fails to appear before the court for the ~~show-cause~~ PERMANENT PROTECTION ORDER hearing at the time and on the date identified in the citation issued by the court and the court finds that the respondent was properly served with the temporary protection order and ~~such~~ THE citation, it is not necessary to re-serve the respondent ~~to make the~~ AND THE COURT MUST ISSUE A PERMANENT protection order ~~permanent~~ BY DEFAULT WITHOUT REQUIRING ADDITIONAL EVIDENCE OR TESTIMONY. However, if the court modifies the protection order on the motion of the protected party, the modified protection order must be served upon the respondent AND, IF THE TEMPORARY PROTECTION ORDER INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, AND THE ACT OF DOMESTIC VIOLENCE INVOLVED THE THREAT OF USE OF PHYSICAL FORCE, USE OF PHYSICAL FORCE, OR ATTEMPTED USE OF PHYSICAL FORCE, THE TEMPORARY PROTECTION ORDER MUST ALSO INFORM THE RESPONDENT THAT THE RESPONDENT MUST COMPLY WITH SECTION 13-14-105.5 BY REFRAINING FROM POSSESSING OR PURCHASING A FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER AND RELINQUISHING FOR THE DURATION OF THE ORDER A FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL.

SECTION 8. In Colorado Revised Statutes, 13-14-108, **amend** (1), (2)(b), and (5) as follows:

13-14-108. Modification and termination of civil protection orders. (1) Any order granted pursuant to ~~section 13-14-105 (1)(c) or (1)(c) must terminate~~ SECTION 13-14-105 (1)(c) OR (1.5) TERMINATES whenever a subsequent order regarding the same subject matter is granted pursuant to the "Uniform Dissolution of Marriage Act", article 10 of title 14; ~~C.R.S.~~; the "Uniform Child-custody Jurisdiction and Enforcement Act", article 13 of title 14; ~~C.R.S.~~; or the "Colorado Children's Code", title 19. ~~C.R.S.~~

(2) (b) The restrained party may apply to the court for modification, including, but not limited to, a modification of the duration of the protection order or dismissal of a permanent protection order pursuant to this section. However, if a permanent protection order has been issued or if a motion for modification or dismissal of a permanent protection order has been filed by the restrained party, whether or not ~~it~~ THE MOTION was granted, ~~no~~ A motion to modify or dismiss may NOT be filed by the restrained party within two years after issuance of the permanent order or AFTER disposition of the prior motion.

(5) The court shall hear any motion filed pursuant to subsection (2) of this section, EXCEPT FOR A MOTION THAT DOES NOT COMPLY WITH SUBSECTION (3)(b) OF THIS SECTION. The party moving for a modification or dismissal of a temporary or permanent protection order pursuant to subsection (2) of this section shall affect personal service on the other party with a copy of the motion and notice of the hearing on the motion, as provided by rule 4 (e) of the Colorado rules of civil procedure. The moving party ~~shall bear~~ BEARS the burden of proof to show, by a preponderance of the evidence, that the modification is appropriate or that a dismissal is appropriate because the protection order is no longer necessary. If the

protected party has requested that ~~his or her~~ THE PROTECTED PARTY'S address be kept confidential, the court shall not disclose such information to the restrained party or any other person, except as otherwise authorized by law.

SECTION 9. In Colorado Revised Statutes, 13-14-109, **amend** (1) and (2) as follows:

13-14-109. Fees and costs. (1) (a) The court may assess a filing fee against a petitioner seeking relief ~~under PURSUANT TO this article~~ ARTICLE 14; except that the court may not assess a filing fee against a petitioner if the court determines the petitioner is seeking the protection order as a victim of ~~domestic abuse, domestic violence as defined in section 18-6-800.3 (1), C.R.S.,~~ DOMESTIC VIOLENCE, stalking, or sexual ~~assault or abuse~~ VIOLENCE. The court shall provide the necessary number of certified copies at no cost to petitioners.

(b) THE COURT SHALL NEITHER AWARD ANY COSTS NOR ASSESS ANY FEES, INCLUDING ATTORNEY FEES, AGAINST A PETITIONER SEEKING RELIEF PURSUANT TO THIS ARTICLE 14, EXCEPT AS PROVIDED IN SUBSECTION (1)(a) OF THIS SECTION AND SECTION 13-17-102 (2), (4), AND (6).

(2) A state or public agency ~~may~~ SHALL not assess fees for service of process against a petitioner seeking relief ~~under PURSUANT TO this article~~ ARTICLE 14 as a victim of ~~conduct consistent with the following: domestic abuse, domestic violence as defined in section 18-6-800.3 (1), C.R.S.,~~ stalking, or sexual ~~assault or abuse~~ VIOLENCE.

SECTION 10. In Colorado Revised Statutes, **add** 13-14-111 as follows:

13-14-111. Transfer of wireless telephone service in domestic abuse cases - definitions. (1) IN ADDITION TO THE OPTIONS DESCRIBED IN SECTION 13-14-103 (1)(b), AS PART OF A REQUEST FOR A TEMPORARY OR PERMANENT PROTECTION ORDER IN A CASE INVOLVING DOMESTIC VIOLENCE, SEXUAL VIOLENCE, OR STALKING, THE COURT MAY ENTER AN ORDER DIRECTING A WIRELESS TELEPHONE SERVICE PROVIDER TO TRANSFER THE FINANCIAL RESPONSIBILITY FOR AND RIGHTS TO A WIRELESS TELEPHONE NUMBER OR NUMBERS TO THE PETITIONER IF THE PETITIONER:

(a) IS NOT THE ACCOUNT HOLDER; AND

(b) PROVES BY A PREPONDERANCE OF THE EVIDENCE THAT THE PETITIONER AND ANY MINOR CHILDREN IN THE PETITIONER'S CARE ARE THE PRIMARY USERS OF EACH WIRELESS TELEPHONE NUMBER THAT THE PETITIONER REQUESTED BE TRANSFERRED PURSUANT TO THIS SECTION.

(2)(a) AN ORDER TRANSFERRING THE FINANCIAL RESPONSIBILITY FOR AND RIGHTS TO A WIRELESS TELEPHONE NUMBER OR NUMBERS TO A PETITIONER PURSUANT TO THIS SECTION MUST BE A SEPARATE WRITTEN ORDER THAT IS DIRECTED TO THE WIRELESS TELEPHONE SERVICE PROVIDER.

(b) THE ORDER MUST LIST THE NAME AND BILLING TELEPHONE NUMBER OF THE ACCOUNT HOLDER, THE NAME AND CONTACT INFORMATION OF THE PETITIONER TO

WHOM THE TELEPHONE NUMBER OR NUMBERS WILL BE TRANSFERRED, AND EACH TELEPHONE NUMBER TO BE TRANSFERRED TO THE PETITIONER.

(c) THE COURT SHALL ENSURE THAT THE PETITIONER'S CONTACT INFORMATION IS NOT PROVIDED TO THE ACCOUNT HOLDER IN PROCEEDINGS HELD PURSUANT TO THIS ARTICLE 14.

(d) THE ORDER MUST BE SENT OR DELIVERED IN PERSON OR ELECTRONICALLY BY THE PETITIONER TO THE WIRELESS TELEPHONE SERVICE PROVIDER'S REGISTERED AGENT.

(e) A WIRELESS TELEPHONE SERVICE PROVIDER MUST TERMINATE THE ACCOUNT HOLDER'S USE OF A TELEPHONE NUMBER THAT THE COURT HAS ORDERED TO BE TRANSFERRED TO THE PETITIONER PURSUANT TO THIS SECTION UNLESS THE WIRELESS TELEPHONE SERVICE PROVIDER NOTIFIES THE PETITIONER AND THE COURT WITHIN FIVE BUSINESS DAYS AFTER THE WIRELESS TELEPHONE SERVICE PROVIDER RECEIVES THE ORDER EITHER THAT AN ACCOUNT HOLDER NAMED IN THE ORDER HAS TERMINATED THE ACCOUNT OR THAT THE REQUESTED TRANSFER CANNOT BE EFFECTUATED DUE TO DIFFERENCES IN NETWORK TECHNOLOGY THAT PREVENT FUNCTIONALITY OF A DEVICE ON THE NETWORK OR DUE TO GEOGRAPHIC LIMITATIONS ON NETWORK OR SERVICE AVAILABILITY.

(3) A TRANSFER ORDERED PURSUANT TO THIS SECTION DOES NOT PRECLUDE A WIRELESS TELEPHONE SERVICE PROVIDER FROM APPLYING ANY ROUTINE AND CUSTOMARY REQUIREMENTS FOR ACCOUNT ESTABLISHMENT TO THE PETITIONER AS PART OF THE TRANSFER OF FINANCIAL RESPONSIBILITY FOR A WIRELESS TELEPHONE NUMBER OR NUMBERS AND ANY DEVICES ATTACHED TO THE NUMBER OR NUMBERS, INCLUDING, WITHOUT LIMITATION, IDENTIFICATION, FINANCIAL INFORMATION, AND CUSTOMER PREFERENCES.

(4) A WIRELESS TELEPHONE SERVICE PROVIDER IS IMMUNE FROM CIVIL LIABILITY FOR COMPLYING WITH AN ORDER TO TRANSFER A TELEPHONE NUMBER PURSUANT TO THIS SECTION.

(5) FOR PURPOSES OF THIS SECTION:

(a) "ACCOUNT HOLDER" MEANS A RESPONDENT WHO HAS A CIVIL PROTECTION ORDER ISSUED AGAINST THEM, THE UNDERLYING BASIS OF WHICH INCLUDES AN ACT OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE, OR STALKING AND MAINTAINS AN ACCOUNT WITH A WIRELESS TELEPHONE SERVICE PROVIDER.

(b) "FINANCIAL RESPONSIBILITY" MEANS AN OBLIGATION TO PAY SERVICE FEES AND OTHER COSTS AND CHARGES ASSOCIATED WITH A TELEPHONE NUMBER.

(c) "WIRELESS TELEPHONE SERVICE PROVIDER" MEANS A PERSON OR ENTITY THAT PROVIDES OR RESELLS COMMERCIAL MOBILE SERVICE, AS DEFINED IN SECTION 47 U.S.C. SEC. 332 (d)(1).

SECTION 11. Effective date. This act takes effect January 1, 2025.

SECTION 12. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 3, 2024